

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT
2014-1373, -1399

KANEKA CORPORATION, a Japanese Corporation
Plaintiff-Appellant,

v.

ZHEIJANG MEDICINE CO., LTD., a Chinese Corporation,
MITSUBISHI GAS CHEMICAL COMPANY, INC., a Japanese Corporation,
Defendants,

XIAMEN KINGDOMWAY GROUP COMPANY, a Chinese Corporation
Defendant-Appellee,

ZMC-USA, LLC, a Texas Corporation
Defendant,

PACIFIC RAINBOW INTERNATIONAL INC., a California Corporation,
SHENZHOU BIOLOGY AND TECHNOLOGY CO., LTD., a Chinese
Corporation,
Defendants-Appellees.

Appeal from the United States District Court for the Central District of
California in Case No. 11-CV-2389, Senior District Judge Mariana R. Pfaelzer

**PLAINTIFF-APPELLANT KANEKA CORPORATION'S
UNOPPOSED MOTION TO REFORM CAPTION**

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Plaintiff-Appellant Kaneka Corporation (“Kaneka”) respectfully moves to reform the caption of this proceeding to remove Zhejiang Medicine Co., Ltd., ZMC-USA, LLC (collectively, “ZMC”), Mitsubishi Gas Chemical Company, Inc. (“MGC”), and Maypro Industries, Inc. (“Maypro”) as Defendants.

Defendants-Appellees Xiamen Kingdomway Group Company, Pacific Rainbow International Inc., and Shenzhou Biology and Technology Co., Ltd. have stated that they will not oppose Kaneka’s request to reform the caption. Kaneka’s proposed reformed caption is attached as Exhibit A.

ZMC were named as defendants in the original proceeding but moved to transfer Kaneka’s claims against them to the U.S. District Court for the Southern District of Texas, where ZMC had filed suit against Kaneka a few hours before Kaneka filed its claims against ZMC in the U.S. District Court for the Central District of California. By Order dated June 10, 2011, the district court granted ZMC’s motion and “sever[ed] the claims against [ZMC] from the lawsuit and transfer[ed] those claims to the Southern District of Texas.” (Dkt. 39) Consequently, ZMC did not substantively participate in the original district court proceeding from which this appeal originates.

MGC was named as a defendant in the original proceeding. Pursuant to a Stipulated Settlement and Dismissal Order between Kaneka and MGC, which was

So Ordered by the district court on July 10, 2013 (Dkt. 154), MGC was dismissed, with prejudice, from the original action.

Maypro was named as a defendant in the original proceeding. By Order dated November 25, 2013 (Dkt. 287), the district court dismissed Maypro Industries, Inc. ("Maypro") from the original action in accordance with the terms of a Stipulation of Dismissal between Kaneka and Maypro. (Dkt. 275)

For the foregoing reasons, Kaneka respectfully requests that the caption be reformed to remove Defendants ZMC, MGC, and Maypro.

Dated: May 15, 2014

Respectfully submitted,

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Exhibit A

Proposed Reformed Caption

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**CERTIFICATE OF INTEREST OF
PLAINTIFF-APPELLANT KANEKA CORPORATION**

Pursuant to Federal Circuit Rule 47.4, counsel for Kaneka Corporation

(“Kaneka”) certifies that:

1. The full name of every party or amicus represented by me is:

Kaneka Corporation.
2. The name of the real party in interest (if the party named in the caption is not the real party in interest) represented by me is:

N/A.
3. All parent corporation and any publicly held companies that own 10 percent or more of the stock of the party or amicus curiae represented by me are:

None.
4. The names of all law firms and the partners or associates that appeared for the party or amicus now represented by me in the trial court or agency or are expected to appear in this court are:

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CERTIFICATE OF SERVICE

I hereby certify that on May 15, 2014, the foregoing was electronically filed using the Court's CM/ECF system. I further certify that on the same date a copy of the foregoing was served electronically via the Court's CM/ECF system on the counsel listed below:

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